

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

Civil No. 05-CV-355 (NAM)

vs.

**\$2,300,577.10 IN UNITED STATES
CURRENCY ET AL.**

Defendant.

**ORDER DISMISSING CIVIL FORFEITURE CASE
AS MOOT IN LIGHT OF CRIMINAL FORFEITURE AND RESTITUTION**

THIS COURT, having before it the application of the United States;

WHEREAS, on March 21, 2005, the United States filed a *Verified Complaint of Forfeiture In Rem* in the above-captioned matter seeking forfeiture of numerous assets held in the name of Redwood Trust (the "Forfeitable Assets") (*see ECF no. 1*);

WHEREAS, on July 6, 2005, the Court held an *in rem* hearing in the above-captioned matter and Kenneth G. Titus, Sr., appeared and made a claim to the subject property on behalf of all Redwood Trust investors;

WHEREAS, on July 7, 2005, the Court issued an order barring all claims with the exception of those of Kenneth G. Titus, Sr. on behalf of Redwood Trust and Redwood Trust Investors (*see ECF no. 8*);

WHEREAS, no other claims seeking return of the Forfeitable Assets were filed;

WHEREAS, on July 21, 2005, a grand jury in the Northern District of New York returned a criminal indictment against Defendant Kenneth G. Titus, Sr., and the same indictment sought criminal forfeiture of the Forfeitable Assets (*see United States v. Kenneth G. Titus, Sr.*, 05 CR

337 (NAM) (the “criminal matter”) (*ECF no. 1*));

WHEREAS, on October 13, 2006, Defendant Titus entered a plea of guilty and admitted the forfeiture allegations in the criminal matter (*ECF nos. 111-13*);

WHEREAS, on February 5, 2007, the Court issued a *Preliminary Order of Forfeiture* in the criminal matter ordering forfeited the Forfeitable Assets (*ECF no. 116*);

WHEREAS, on May 31, 2007, the Court issued a *Final Order of Forfeiture* in the criminal matter ordering forfeited the Forfeitable Assets (*ECF no. 128*);

WHEREAS, the Clerk of the Court distributed the forfeited assets to the Redwood Trust Investors pursuant to the Court’s amended judgment in the criminal matter (*ECF no. 132*);

WHEREAS, having forfeited the subject assets in the criminal matter and having distributed same to the Redwood Trust investors pursuant to the criminal restitution order, the United States now moves to dismiss the civil forfeiture matter as moot;

IT IS HEREBY ORDERED, that the case of *United States of America v. \$2,300,577.10 IN UNITED STATES CURRENCY ET AL.*, 05 CV 355 (NAM), is hereby DISMISSED on the application of the United States as moot in light of the criminal forfeiture and restitution.

IT IS SO ORDERED:

Dated: March 4, 2008


Norman A. Mordue
Chief United States District Court Judge